

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JESSE HERNANDEZ :

Plaintiff,

v. :

INDEPENDENCE TREE SERVICE LLC
and SOUTHEASTERN PENNSYLVANIA
TRANSPORTATION AUTHORITY and
NATIONAL RAILROAD PASSENGER
CORPORATION d/b/a AMTRAK :

Defendants.

CIVIL ACTION
NO. 19-0510

ORDER

AND NOW, this 22nd day of April, 2019, upon consideration of Defendant SEPTA's Motion to Dismiss (ECF No. 5) and Plaintiff's Response thereto (ECF No. 14), it is hereby ORDERED that said Motion is GRANTED in Part and DENIED in part as follows:

- (1) Defendant's Motion is GRANTED as to Plaintiff's punitive damages claim. Said Claim is DISMISSED and all allegations against SEPTA of "gross negligence" and "recklessness" are stricken;
- (2) Defendant's Motion is DENIED as to all allegations against SEPTA regarding negligent communication;
- (3) Defendant's Motion is GRANTED as to allegations against SEPTA regarding failure to properly hire, train and supervise; and,
- (4) On or before May 13, 2019, Plaintiff shall file an Amended Complaint in accordance with this Order, as well as this Court's Order dated March 20, 2019 (ECF No. 19).

BY THE COURT:

/s/ C. Darnell Jones, II J.